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EXAMINER	
ROBERTS, BRIAN S	

ART UNIT	PAPER NUMBER
2466	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/760,035	KUBLER ET AL.	
	Examiner	Art Unit	
	BRIAN ROBERTS	2466	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-34,36-38,54-59,78-86,93-122,124,126,128 and 130-133* is/are pending in the application.

4a) Of the above claim(s) *96-121 and 130-133* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-34,36-38,54-59,78-86,93-95,122,124,126 and 128* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

- Claims 22-34, 36-38, 54-59, 78-86, 93-122, 124, 126, 128, 130-133 remain pending.
- Claims 96-121 and 130-133 have been withdrawn.
- The official notice of common knowledge taken in the office action dated 03/30/2010 is taken to be admitted prior art because the applicant did not traverse the examiner's assertion of official notice. See MPEP § 2144.03(C)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 22-24, 28-30, 32-34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), and in view of Iwami et al. (US 5604737).

- In reference to claim 22

In Figure 8, Sharman teaches a portable terminal device (102) that includes:

- a microphone (804) for transducing sound into a first analog voice stream (col. 7 lines 54-55)
- at least one converter (807) for converting the first analog voice stream to produce digital voice packets (col. 7 line 55-60)

- a transmitter (i.e. inherently a transmitter in LAN access interface 810 wherein the Local Area Network is wireless; see col. 7 lines 6-11) for transmitting via a wireless packet network (121) the digital voice packets from the at least one converter (807) (col. 7 line 46-49)
- a receiver (i.e. inherently a receiver in LAN access interface 810 wherein the Local Area Network is wireless; see col. 7 lines 6-11) for receiving digital voice packets from a base station (107) in the wireless packet network (col. 7 line 46-49)
- the at least one converter (807) for converting received digital voice packets to a second analog voice stream (col. 7 line 55-60)
- a transducer (804) for transducing the second analog voice stream into sound (col. 7 lines 54-55)

While Sharman suggest the portable terminal device (102) communicating via a wireless packet network with a remote system (e.g. Local Area Network Access Gateway 107) operable to, at least, communicatively couple the portable terminal device to a public telephone network (103) (see Figure 3 col. 3 lines 46-60); Sharman does not teach that the portable terminal device transmits a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network, and receiving the requested information from the remote system.

In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a

wireless packet network the portable terminal device, receiving the requested information from the remote system. (col. 4 line 58 - col. 5 line 21)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of Sharman to transmit a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network and receive the requested information from the remote system as suggested by Flamer because it allows the portal terminal device to locate a remote system for data communications between a network.

The combination of Sharman and Flamer does not teach that the portable terminal device, upon receiving the requested information, initiates a call connection through the remote system to a subscriber on the public telephone network, using the requested information; and wherein the portable terminal device begins communicating digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber.

In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31-45) and beginning to communicate digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber (col. 13 lines 45-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of the combination of Sharman and

Flamer to include upon receiving the requested information, initiating a call connection through the remote system to a subscriber on the public telephone network, using the requested information and beginning to communicate digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber as suggested by Iwami et al. because it allows the portable terminal device to communicate voice data with a fixed device located on the public telephone network.

- In reference to claims 23-24, 32-33

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches the wireless packet network that utilizes a TCP over IP. (col. 6 lines 25-37)

- In reference to claim 28

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches the converter (807) includes an analog to digital converter for converting the first analog voice stream to digital voice data and a packetizer for assembling the digital voice data to produce digital voice packets. (col. 7 line 55-60)

- In reference to claim 29

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches the converter (807) includes a depacketizer for extracting digital voice data from received digital voice packets; and a digital to analog converter for converting the extracted digital voice data to produce the second analog voice stream. (col. 7 line 55-60)

- In reference to claim 30

In Figure 8, Sharman teaches a circuit for a portable terminal device (102) comprising:

- at least one converter (807) for converting the first analog voice stream to produce digital voice packets (col. 7 line 55-60)
- a transmitter (i.e. inherently a transmitter in LAN access interface 810 wherein the Local Area Network is wireless; see col. 7 lines 6-11) for transmitting via a wireless packet network (121) the digital voice packets from the at least one converter (807) (col. 7 line 46-49)
- a receiver (i.e. inherently a receiver in LAN access interface 810 wherein the Local Area Network is wireless; see col. 7 lines 6-11) for receiving digital voice packets from a base station (107) in the wireless packet network (col. 7 line 46-49)
- the at least one converter (807) for converting received digital voice packets to a second analog voice stream (col. 7 line 55-60)

While Sharman suggest the portable terminal device (102) communicating via a wireless packet network with a remote system (e.g. Local Area Network Access Gateway 107) operable to, at least, communicatively couple the portable terminal device to a public telephone network (103) (see Figure 3 col. 3 lines 46-60); Sharman does not teach that the portable terminal device transmits a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network, and receiving the requested information from the remote system.

In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a wireless packet network the portable terminal device, receiving the requested information from the remote system. (col. 4 line 58 - col. 5 line 21)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of Sharman to transmit a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network and receive the requested information from the remote system as suggested by Flamer because it allows the portal terminal device to locate a remote system for data communications between a network.

The combination of Sharman and Flamer does not teach that the portable terminal device, upon receiving the requested information, initiates a call connection through the remote system to a subscriber on the public telephone network, using the requested information; and wherein the portable terminal device begins communicating

digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber.

In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31-45) and beginning to communicate digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber (col. 13 lines 45-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of the combination of Sharman and Flamer to include upon receiving the requested information, initiating a call connection through the remote system to a subscriber on the public telephone network, using the requested information and beginning to communicate digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber as suggested by Iwami et al. because it allows the portable terminal device to communicate voice data with a fixed device located on the public telephone network.

- In reference to claim 34

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches a microphone (804) for transducing sound into a first analog voice stream (col. 7 lines 54-55)

- In reference to claim 36

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches a transducer (804) for transducing the second analog voice stream into sound (col. 7 lines 54-55)

2. Claims 25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), and in view of Iwami et al. (US 5604737), as applied to the parent claim, and further in view of the admitted prior art.

- In reference to claim 25, 31

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, and Iwami et al. does not explicitly teach the wireless packet network communicates at a frequency of approximately 2.4 gigahertz.

The admitted prior art teaches a wireless packet network communicating at a frequency of approximately 2.4 gigahertz.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the of combination of Sharman, Flamer, and Iwami et al. to include the wireless packet network communicates at a frequency of approximately 2.4

gigahertz as taught by the admitted prior art in order to conform to governmental regulations and industry standards and avoid interference with other communication equipment operating on different frequencies.

3. Claims 26-27 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), and in view of Iwami et al. (US 5604737), as applied to the parent claim, and further in view of Heidari (US 5550893).

- In reference to claim 26-27

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, and Iwami et al. does not teach that the wireless packet network communicates using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique.

In Figure 1, Heidari further teaches a wireless packet network communicates using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique. (column 3 lines 40-45)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the wireless packet network of the combination of Sharman, Flamer, and Iwami et al. to communicate using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique as suggested by Heidari

because it allows several terminal devices to simultaneously communicate information over a communication channel.

- In reference to claim 37-38

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, and Iwami et al. does not teach a keypad for receiving user input or a display device to provide visual feedback to a user.

In Figure 1, Heidari further teaches a telephone (10) having a keypad for receiving user input and a display device to provide visual feedback to a user. (col. 3 line 48-45)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the circuit of the combination of Sharman, Flamer, and Iwami et al. to include a keypad for receiving user input and a display device to provide visual feedback to a user as suggested by Heidari because it allows a user operating the circuit to place a call.

4. Claims 54, 58-59, 78, 82-86, 93-95, 122, 124, 126 and 128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), in view of Iwami et al. (US 5604737), and in view of Mahany (US 4910794)

- In reference to claim 54, 93-95

Sharman teaches a method performed by a portable terminal device (102) that includes communicating via a wireless packet network with a remote system (e.g. Local Area Network Access Gateway 107) operable to, at least, communicatively couple the portable terminal device to a public telephone network (103) (see Figure 3 col. 3 lines 46-60).

Sharman does not teach the portable terminal device transmitting a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network, and receiving the requested information from the remote system.

In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a wireless packet network the portable terminal device, receiving the requested information from the remote system. (col. 4 line 58 - col. 5 line 21)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the method performed by the portable terminal device of Sharman to transmit a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network and receive the requested information from the remote system as suggested by Flamer because it allows the portal terminal device to locate a remote system for data communications between a network.

The combination of Sharman and Flamer does not teach that the portable terminal device, upon receiving the requested information, initiating a call connection through the remote system to a subscriber on the public telephone network, using the requested information; receiving digital voice packets via the wireless packet network at a data rate; initiating conversion of the received digital voice packets to produce sound; enabling conversion of sound to digitized voice information; creating digital voice packets from the digitized voice information; and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network.

In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31-45) receiving digital voice packets via the wireless packet network at a data rate (col. 8 lines 35-42); initiating conversion of the received digital voice packets to produce sound (col. 8 lines 35-42; col. 7 lines 32-40); enabling conversion of sound to digitized voice information (col. 8 lines 30-33; col. 7 lines 23-31); creating digital voice packets from the digitized voice information (col. 8 lines 30-35); and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network. (col. 13 lines 45-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the method performed by the portable terminal device of the

combination of Sharman and Flamer to include upon receiving the requested information, initiating a call connection through the remote system to a subscriber on the public telephone network, using the requested information; receiving digital voice packets via the wireless packet network at a data rate; initiating conversion of the received digital voice packets to produce sound; enabling conversion of sound to digitized voice information; creating digital voice packets from the digitized voice information; and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network as suggested by Iwami et al. because it allows the portable terminal device to communicate voice data with a fixed device located on the public telephone network.

The combination of Sharman, Flamer, and Iwami et al. does not teach evaluating a preamble of polling message periodically wirelessly received from the wireless packet network and sending an indication of a data rate based upon the evaluation.

In Figure 10, Mahany teaches a mobile terminal unit 80 evaluating a preamble of polling message periodically wirelessly received from a base station 70 and sending an indication of a data rate based upon the evaluation. (col. 12 lines 33-50)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the method performed by the portable terminal device of the combination of Sharman, Flamer, and Iwami et al. to include evaluating a preamble of polling message periodically wirelessly received from the wireless packet network and sending an indication of a data rate based upon the evaluation as suggested by Mahany

because it allows the portable terminal device to adjust a received data rate based upon network conditions.

- In reference to claim 78, 84-86

Sharman teaches a processor (102) arranged to communicate over a wireless packet network the processor arranged to communicate over the wireless packet network, the at least one processor operable to, at least: communicate with a remote system (e.g. Local Area Network Access Gateway 107) operable to, at least, communicatively couple the portable terminal device to a public telephone network (103) (see Figure 3 col. 3 lines 46-60).

Sharman does not teach that the processor operable to transmit a request for information identifying the remote system accessible to the processor via the wireless packet network, and receiving the requested information from the remote system.

In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a wireless packet network the portable terminal device, receiving the requested information from the remote system. (col. 4 line 58 - col. 5 line 21)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the processor of Sharman to transmit a request for information identifying the remote system accessible to the processor via the wireless packet network and receive the requested information from the remote system as suggested by

Flamer because it allows the processor to locate a remote system for data communications between a network.

The combination of Sharman and Flamer does not teach that the processor operable to, upon receiving the requested information, initiate a call connection through the remote system to a subscriber on the public telephone network, using the requested information; receive digital voice packets via the wireless packet network at a data rate; initiate conversion of the received digital voice packets to produce sound; enable conversion of sound to digitized voice information; create digital voice packets from the digitized voice information; and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network.

In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31-45) receiving digital voice packets via the wireless packet network at a data rate (col. 8 lines 35-42); initiating conversion of the received digital voice packets to produce sound (col. 8 lines 35-42; col. 7 lines 32-40); enabling conversion of sound to digitized voice information (col. 8 lines 30-33; col. 7 lines 23-31); creating digital voice packets from the digitized voice information (col. 8 lines 30-35); and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network. (col. 13 lines 45-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the processor of the combination of Sharman and Flamer to include upon receiving the requested information, initiate a call connection through the remote system to a subscriber on the public telephone network, using the requested information; receive digital voice packets via the wireless packet network at a data rate; initiate conversion of the received digital voice packets to produce sound; enable conversion of sound to digitized voice information; create digital voice packets from the digitized voice information; and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network as suggested by Iwami et al. because it allows the portable terminal device to communicate voice data with a fixed device located on the public telephone network.

The combination of Sharman, Flamer, and Iwami et al. does not teach the processor operable to evaluate a polling message periodically wirelessly received from the wireless packet network and send an indication of a data rate based upon the evaluation.

In Figure 10, Mahany teaches a mobile terminal unit 80 evaluating a preamble of polling message periodically wirelessly received from a base station 70 and sending an indication of a data rate based upon the evaluation. (col. 12 lines 33-50)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify processor of the combination of Sharman, Flamer, and Iwami et al. to evaluate a preamble of polling message periodically wirelessly received from the

wireless packet network and send an indication of a data rate based upon the evaluation as suggested by Mahany because it allows the processor to adjust a received data rate based upon network conditions.

- In reference to claims 58-59, 82-83

The combination of Sharman, Flamer, Iwami et al., and Mahany teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches the wireless packet network that utilizes a TCP over IP. (col. 6 lines 25-37)

- In reference to claim 122, 124

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, and Iwami et al. the circuit/portable terminal device communicates with the base station in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval.

Mahany teaches a mobile transceiver unit (12) communicates with a base station (10) in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval. (col. 4 lines 10-40)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the circuit/portable terminal device of the combination of Sharman, Flamer, and Iwami et al. to include communicate with the base station in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval as suggested by Mahany because it allows the plurality of portable terminal devices to share a single frequency channel.

- In reference to claims 126, 128

The combination of Sharman, Flamer, Iwami et al., and Mahany teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, Iwami et al., and Mahany of the parent claim does not teaches the portable terminal device communicates with the base station in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval.

Mahany teaches a mobile transceiver unit (12) communicates with a base station (10) in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval. (col. 4 lines 10-40)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of the combination of Sharman,

Flamer, Iwami et al., and Mahany to communicate with the base station in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval as suggested by Mahany because it allows the plurality of portable terminal devices to share a single frequency channel.

5. Claims 55 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), in view of Iwami et al. (US 5604737), and in view of Mahany (US 4910794), as applied to the parent claim, and further in view of the admitted prior art.

- In reference to claim 55, 79

The combination of Sharman, Flamer, Iwami et al., and Mahany teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, Iwami et al., and Mahany does not explicitly teach the wireless packet network communicates at a frequency of approximately 2.4 gigahertz.

The admitted prior art teaches a wireless packet network communicating at a frequency of approximately 2.4 gigahertz.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Sharman, Flamer, Iwami et al., and Mahany to include the wireless packet network communicates at a frequency of approximately 2.4 gigahertz as taught by the admitted prior art in order to conform to governmental

regulations and industry standards and avoid interference with other communication equipment operating on different frequencies.

6. Claims 56-57 and 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), in view of Iwami et al. (US 5604737), and in view of Mahany (US 4910794), as applied to the parent claim, and further in view of Heidari (US 5550893).

- In reference to claim 56-57, 80-81

The combination of Sharman, Flamer, Iwami et al., and Mahany teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, Iwami et al., and Mahany does not teach that the wireless packet network communicates using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique.

In Figure 1, Heidari further teaches a wireless packet network communicates using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique. (column 3 lines 40-45)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the wireless packet network of the combination of Sharman, Flamer, Iwami et al., and Mahany to communicate using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique as suggested by Heidari because it allows several terminal devices to simultaneously communicate information over a communication channel.

Response to Arguments

Applicant's arguments filed 06/30/2010 have been fully considered but they are not persuasive.

- On page 24-25 of the Remarks with respect to the independent claims, the applicant contends that the acquisition/synchronization packet is not "a request for information identifying a remote system accessible to the portable terminal device via a wireless packet network". The applicant further contends that the mere disclosure of a party responding to a received message does not inherently make the message a request. Applicant further submits that the Office has not shown or explained how and why Flamer teaches the "stationary node" requesting the "roaming node" for information identifying a "stationary node" accessible to the "roaming node" via a wireless packet network.
- The Examiner respectfully disagrees. In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information (i.e. a response acquisition/synchronization packet) identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a wireless packet network the portable terminal device, receiving the requested information (i.e. acquisition/synchronization) from the remote system. (col. 4 line 58 - col. 5 line 21). The acquisition/synchronization packet transmitted by

the portable terminal device (e.g. roaming node) meets the limitations of the claimed "request". Furthermore, the Examiner did not rely on Flamer teaching that the "stationary node" requesting the "roaming node" for information identifying a "stationary node" accessible to the "roaming node" via a wireless packet network.

- On page 25-26 of the Remarks with respect to the independent claims, the applicant contends that Flamer fails to teach "the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network."
- The Examiner has not relied on Flamer to meet the limitation. The Examiner has relied on Sharman to meet the limitation a remote system (e.g. Local Area Network Access Gateway 107) operable to, at least, communicatively couple the portable terminal device to a public telephone network (103) (see Figure 3 col. 3 lines 46-60).

- On page. 27-28 of the Remarks, the applicant contends that Iwami does not teach that the portable terminal device transmits a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network, and receiving the requested information from the remote system.

- The Examiner has not relied on Iwami to meet the limitation. The Examiner has relied on the combination of Sherman and Flamer to meet the limitation.

- On page. 28-30 of the Remarks, the applicant contends that Iwami does not teach "the portable terminal device, upon receiving the requested information, initiates a call connection through the remote system to a subscriber on the public telephone network, using the requested information; and wherein the portable terminal device begins communicating digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber".
- In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31-45) and beginning to communicate digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber (col. 13 lines 45-46). Furthermore, Figure 11 step 457 reads "communication under progress" which corresponds to step 128 of Figure 5 and which is a collection of steps 106-110 in Figure 4 (col. 9 lines 16-18).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN ROBERTS whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL RYMAN can be reached on (571) 272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR
08/23/2010

/Daniel J. Ryman/
Supervisory Patent Examiner, Art Unit 2466